

REMARKS

The Examiner is thanked for the thorough examination of the present application. Claims 1-10 are currently pending in the present application.

Rejections under 35 U.S.C. §112

Claims 5 and 7 have been rejected under 35 §U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim Applicants' invention.

Claims 5 and 7 have been additionally rejected under 35 §U.S.C. 112, first paragraph, because the specification allegedly does not provide enablement for using formula I separately from or in succession to using formula II.

Applicants traverse each of the above rejections.

Applicants respectfully submit that the Examiner appears to misunderstand the claimed invention and is narrowly construing the claimed synergistic composition and method as requiring that formulae I and II are mixed together, and applied simultaneously. However, there is no need to apply both active compounds I and II simultaneously or in the form or a premix. As detailed in the specification, on page 4, lines 30-33, both compounds can also be applied in succession. For the inventive method it is only critical that both compounds exhibit their action simultaneously, which yields the synergistic combined fungicidal efficacy.

As such, Applicants submit that the claimed invention is both enabled and claimed with sufficient particularity. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

With respect to claim 10, the outstanding rejection under 35 §U.S.C. 101 and 35 §U.S.C. 112 is rendered moot in light of the claim amendment herein.

Allowable Subject Matter

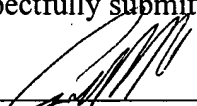
The Examiner indicated claims 1-4, 6, 8 and 9 as allowable. In light of the foregoing remarks, all ancillary issues raised by the Examiner have been addressed. Thus, Applicants believe that all of the pending claims are in condition for allowance and notice to that effect is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
MTC Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant